



IFW

Docket No. 24371/1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Markus Eibl ART UNIT: 1731  
SERIAL NO.: 10/828,818 CONFIRMATION NO.: 7282  
FILING DATE: April 21, 2004 EXAMINER: Not Yet Assigned  
FOR: ***CIGARETTE WITH INCREASED SELF-EXTINGUISHING  
TENDENCY***

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

Sandra J. Wittrup

Date

July 15, 2004

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: July 15, 2004

Pursuant to Applicant(s) duty of disclosure, the information listed in the attached form PTO-1449 is brought to the attention of the Examiner. Copies of the listed items are enclosed.

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

In accordance with the requirement under 37 C.F.R. 1.98 (3)(i), the following are concise explanations of the relevance, as presently understood, with regard to those items submitted herewith that are not in the English language:

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

- a. ☒ Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed

**\* Waiver**

The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC § 371 after June 30, 2003. *See* 37 CFR 1.491(b).

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

- a. ☐ Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
- b. ☐ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- c. ☐ The following additional information is provided for the Examiner's consideration:

**FEES**

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)  
(check one box)

- a. ☒ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1)). No fee or certification is required.
- b. ☐ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2)). No fee or certification is required.
- c. ☐ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):  
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

- a. ☐ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).
- or
- b. ☐ See the certification below. No fee is required.

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby certifies that

- a. ☐ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any

individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

- c. ☐ Some of the items of information were cited in a communication from a foreign Patent Office as indicated in the Form 1449 by those references having an asterisk(\*). As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

- ☐ A check in the amount of \$180.00 is enclosed for the above-indicated fee. A duplicate copy of this paper is attached.
- ☒ No fee is required.

VII. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.704(d) (PATENT TERM ADJUSTMENT)

Applies to original applications (other than design) filed on or after May 29, 2000.

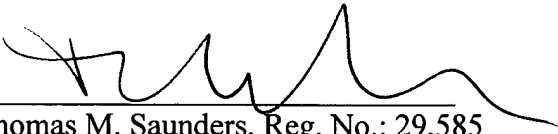
- a. \_\_\_\_\_ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- b.   X   Enclosed herewith is form PTO-1449.
- c.   X   Copies of cited references are enclosed.
- d. \_\_\_\_\_ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.

If the Examiner has any questions concerning this IDS, the Examiner is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the

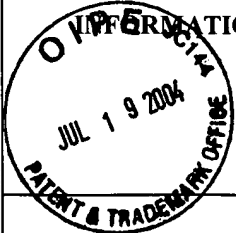
PTO is requested to consider this IDS under the proper rule (with a petition, if necessary) and charge any additional fees to Deposit Account No. 50-0369.

Respectfully submitted,

Date: July 15, 2004



Thomas M. Saunders, Reg. No.: 29,585  
BROWN RUDNICK BERLACK ISRAELS LLP  
Attorney for Applicants  
Customer No. 21710  
One Financial Center, Box IP  
Boston, MA 02111  
Tel: (617) 856-8284  
Fax: (617) 856-8201

<b>FORM PTO-1449</b> <b>INFORMATION DISCLOSURE STATEMENT</b>				<b>ATTY. DOCKET NO.</b> <b>24371/1</b>		<b>SERIAL NO.</b> <b>10/828,818</b>	
				<b>APPLICANT(S): Markus Eibl</b>			
				<b>FILING DATE:</b> <b>April 21, 2004</b>		<b>ART UNIT:</b> <b>1731</b>	
<b>UNITED STATES PATENT DOCUMENTS</b>							
<b>EXAM. INITIAL</b>		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>INVENTOR</b>	<b>CLASS</b>	<b>SUB CLASS</b>	<b>FIL. DATE IF APPR</b>
	AA	4,452,259	06/05/1984	Norman et al.	131	349	
	AB	4,480,650	11/06/1984	Weinert	131	349	
	AC	2,666,437	01/19/1954	Lattof	131	4	
	AD	4,889,145	12/26/1989	Adams et al.	131	365	
<b>FOREIGN PATENT DOCUMENTS</b>							
		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>COUNTRY</b>	<b>CLASS</b>	<b>SUB CLASS</b>	<b>TRAN Y/N</b>
	BA	GB 2 143 150 A	02/06/1985	United Kingdom	A24D	1/00	Y
	BB	0 262 550	04/06/1988	Europe	A24D	1/10	Y
	BC	0 671 505 A2	09/13/1995	Europe	D21H	19/14	Y
	BD	0 486 213 A1	05/20/1992	Europe	A24D	1/02	Y
	BE	0 981 971 A2	03/01/2000	Europe	A24D	1/02	Y
	BF	0 870 437 A2	10/14/1998	Europe	A24D	1/00	Y
	BG	0 864 259 A2	09/16/1998	Europe	A24D	1/00	Y
<b>OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)</b>							
<b>Examiner:</b>				<b>Date:</b>			